

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREW SAMUELS,
Plaintiff,

v.

LIDO DAO, et al.,
Defendants.

Case No. 23-cv-06492-VC

**ORDER DENYING MOTION TO
CERTIFY INTERLOCUTORY
APPEAL**

Re: Dkt. No. 127

The motion to certify an interlocutory appeal is denied. It's not clear that an interlocutory appeal would "materially advance the ultimate termination of the litigation": even if the defendants were to win on the solicitation question, for instance, Samuels could amend to allege that he saw Lido DAO's promotional activity (as he seems to suggest he did), or to add another plaintiff who did. In any event, even if all of the 28 U.S.C. § 1292(b) factors were met, the Court would decline to exercise its discretion to certify an interlocutory appeal. *See, e.g., Wilton Miwok Rancheria v. Salazar*, 2010 WL 693420, at *11 (N.D. Cal. Feb. 23, 2010); *see also In re Cement Antitrust Litigation*, 673 F.2d 1020, 1026 (9th Cir. 1982) (§ 1292(b) meant "to be used only in exceptional situations").

IT IS SO ORDERED.

Dated: February 3, 2025



VINCE CHHABRIA
United States District Judge